pp. F. IX-4

evious References

21-1-2
16-1 F

Later References

1931
(Nuzrai)

Present

File No. 135-

Serial Nos. 3-

General and Revenue Secretariat.

Serial Nos. 5

Part B for April 33

SUBJECT.

Inquiry for review of the Govt order on the appeal re leasing of certain lands of Muffassil Dha Targa at Nuzvid Taluq

No 936 of 10-1-33.

to see that the Govt. do not unnecessarily interfere in the equitable orders of Nuzvid Samasthanam

Misc Revision Pet of 31-32

General and Revenue Secretariat

Misc File No. 135 of 1931-2

[App. F. III—2

Serial No.	
	Review petition of 17.2.32 filed by Mr. O.S.N. Shastri Advocate Bangalore city on behalf of his Client S.M.U. Shastri Manager of the Atta-ulla-Shah Dargah and Sajjada Nashee of the Dahan Near Kalbagh Bangalore city praying that records may be called for and the orders revised - directing the removal of the wrongful occupant from the land in dispute & the Dargah restored to them
5237	
B.	1) vide the remarks of the first Secretary in para 6 of Misc 135-31-1 Butch correspondence the above petition was rejected on the score of inordinate limitation
	2) The P.A.G is a proper for reviewing the previous Orders — It is stated that the post is not in Govt. pay
	3) Forwarded —
	4) May the petr be kept to the previous decision as final?
(Jr. Secy)	5) The petition may be rejected (Sh. Mudaliar)
	6) May. agree [illegible]

NOTE—Contn. Sheet.

WD 70—GBPM—60 000—13-8-31

2) Muz Revenue 15 of 31-32

Muz File No of 193 | General and Revenue Secretariat

Under Secn 38-(5) The time allowed for preferring the appeal from the order of the D.C. is 90 days No other appeal is left open to the appellants both under Secn 39 of the Regn it is open to Govt to call for and examine the records relating to the enquiries held by the subordinate officers — if any — for the purpose of satisfying itself as to the legality or propriety of any decision or order passed and as to the regularity of proceedings of such officer.

30/3/32

Fin Secy)

1st Member 9) 12/4/32

10) The records may be called for and the case heard

Muz 14.4.32

14/4/32

Govt sanction

Govt 19/4/32

No 15'21 of 22/4/32 to the Muzaffarnagar Commissioner calling for submission of records on the subject

19

25/4

General and Revenue Secretariat | File No. of 193 .

Serial No.

Letter no 1313/31-32 dy 19.8.32 from the Mysore Commissioner submitting records connected with the eviction of tenants reported to have from lands endowed to Akkamma Shah Durga near Lalbagh Bangalore city -

(1) The matter has not been with the records in this office file or the subject. As for the copy of decision given by him. Vide flag A. in D.O. 135-31-2 pending for reply. Whether this Govt would do or his office records thereto the case

A || for is for orders -

dy 9/9

(2) A - Please call for the office records etc.

7/9/32.

(3) Well noted.

dy 9/9

12/9

No 461 dy 16.9.32 to the Mysore Commissioner calling for his Office records on the subject -

Letter no 1313/31-32 dy 5-10-32 from the Mysore Commissioner forwarding his office file no AAP 61/29-30 relating to the eviction of certain tenants from lands endowed to Akkamma Shah Durga in ... Bangalore city -

dy 16/9

TYPING SECTION 12 SEP. 1932 GENL. & REV SECTT.

Note—Contn Sheet

WD 02653—GPB—50,000—8-32

File No. | of 193 | General and Revenue Secretariat

of 84-26.

Decn. of the S.D.O. in Mun. Case No. 26 of 23-24 on the file of this Court is flagged. V. in the records. received from the M.C. Against this decision an appeal was preferred by ... Mallikarjun of Attu-ulla Shah Durga before the D.C. (Supplemented by S. Thimmaiah the then D.C.). The facts of the case are clearly set forth in his decision in M. Cabal 3 of 26-27 of 21/7/27. While dismissing the appeal, the D.C. observed that if the opponents (the tenants) fail to pay the fixed rent (Rs. 14/-) it will be open to the local officers to have them evicted from the land. Further he has observed in his order that the land in question has been improved by the tenants at their own expense. Against this order an appeal was preferred before the M.C. (Vide his decision in Misc. Appl. 41 of 29-30 of 28/8/30) Who has ordered that if the tenants are not prepared to pay a reasonable rent they should be evicted. In question of fixing a suitable rent was referred to the D.C. The period of lease running from 15 to 20 years. Ends to both the Appellant & the Respondent appear to have been issued in Sept '30 * Flag A. After the lapse of over a year an

* M.

Serial No.

x Hagib.

Appeal was preferred before Govt & it was rejected as time barred. Vide x 879/ Mer 135-31. 2 & 7a/12/31. Instructions regd

Govt no 5117-23 Mer 115-16-8 of 29/8/17 on the subject of which the appellant's advocate relies in the above case may be stated to be applicable to Inam lands endowed & instituted entirely under the direct management & supervision of the local Inam officers concerned. In this particular case though the Inam land in question was granted to the Dargah, the entire transaction may be presumed to have been effected by the Malkanda authority in the interests of the Dargah, the Malkandas being in possession of the Dargah Inam lands. Were it a case of alienation, section 19 (1) would be appropriate. The tenants are found from the records to be paying the quit rent fixed by the Malkandas. As regards the reasonable amount of quit rent, the Mer. has already issued instructions in the matter vide D.O. of the D.C.

19) Thus we have to

Note—Contn. Sheet.

Mag Revised 15th of 31-32

File No. 135 of 193

General and Revenue Secretariat

In the list of many cases to be heard as directed by the Court of Arbitration — Ordered for perusal — 11/A

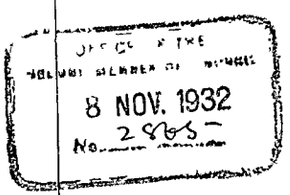
3 A — For orders as to the date of hearing.

7/11/32

Friday) 2nd Nov)

8/11

8/11



May be posted on one of the Ner Appeals days

9/11

9/11

Posted to 10th Dec 1932

Heard Mr Sheriff for the appellants Mr Venkatarangaa Iyengar for the respts Orders reserved

10/12

The Muz Court's order is quite equitable and I see no reason to interfere

The receipt of Vakalat from Mr Venkataramaya Iyengar is awaited

26/12 KB

27/12

10/12

Vakalat is on file

7. JAN. 1933
GEN. & REV. SECT

25) Obj. rules

31) For perusal before issue

KB. — 31.12.32

Final Secy)

27/12/33

KB

Serial No.	
8	No 996 dy 10/1/33 to the Muzrai Commissioner forwarding Copy of the decision in the Appeal Case and returning the records.
	No 997 dy 10/1/33 to the Advocate for the appellant intimating the Result of the appeal
	No 998 dy 10/1/33 to the Advocate for the respondent intimating the decision given in the appeal Case —
9	Petition dy 15.2.33 filed by Mr. N. Rama Iyengar Advocate Bangalore city on behalf of the manager and acting Sajjada of the Makkan Hazarath Attanka Shah Dargah Lalbagh Road Bangalore city stating that S. No. 41 of Mavalli Bangalore endowed to Hazarath Attanka Shah Dargah is Wakf property, that the said premises can not more profitably used for agricultural purposes and can be converted into building sites fetching larger profits and praying for a revision of the orders passed.
	29) Vide above petn received for the first time was rejected on the score of it having been time-barred. (Vide No 135-31-2)

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31.

Another petn was received from the same gentleman for the second time & it was for a reconsideration of the order communicated to him. As directed in Minutes in para 10 supra — ~~The~~ his connected ~~Records were~~ Records were called for & the case was ~~de~~heard as a review, the order passed thereon being as in para 2 supra.

30 S. No 41 of Hawalee Bangalore is found to be a Devadaya Inam granted to the Dargah under ref^ce to which (vide page 192 - Sl no 7 of the printed register submitted for reference). It is governed by the Muz. Reg^n in force. Store for the application of Mahomedan Law vide P. & D. in dealing with cases of the kind is laudable is a matter for consideration. The Petitioner says that S. No 41 is Wakf property and an extract regarding this from "Principles of Mahomedan Law" by D. F. Mulla* is placed for ref^ce The grantor or the dedicator in this particular instance being the Govt of Mysore, it is not clear how the property can be styled Wakf property as stated in 16 of the P. & D.

In the para 11 of the P. & D, the petitioner says that the S. No 41 can profitably be used by leasing it for Agricultural purposes & that it may be converted into building sites to fetch greater profits In connection with this suggestion made by the petr^ner, it is respectfully noted

* Vol . . . .
Bombay —
* § 15 of . . . .
* Bom. . . . .

Serial No.

(Redirected to L. Secy & Rev. Secy)

Time it may not be out of place if Hon'ble Rep^ee is invited to G.O. No 183-6/ Misc 273-27-7 dt 24/7/28 directing the resumption of S.No 10 of Hanumanthapura village endowed to Sri Guruvanna devaru Mutt Bangalore city as the said Institution ceased to be for agricultural purposes when which object it was endowed & lies in Malur Taluk for subsist at the whole. The question of giving lands in exchange for resumed one is receiving attention. If the decision was the conversion of the land into building sites, then it will be subject to the case of Sri Guruvannadevaru Mutt

Gr Dno 32 called for orders
6/2

What Action was taken on the previous petn is detailed at para 29 supra.

3) Hon'ble Rep^ee is invited to the 2nd Memo Minutes at paras 23 & 24 supra. It will be seen therefrom that the case was heard and orders passed.

3a) The question of the application of Mahomedan Law to Inamdari Institutions has been raised in the present petn. Presumably the Counsel for the petnr Shd have raised all points and

NOTE—Contn. Sheet.

WD 0246 —GPB—15,000—22-8-32

And argued the Case before the 2nd Commissioner. The present revised Petn addressed to the Dewan is for orders.

8/3/33

Fin: Secy)

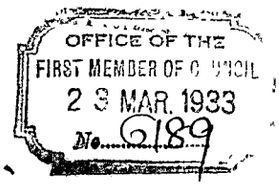
1st. M.R.)

22/3.

I do not think 23/3
there are any reasons to reConsider
the orders already passed —

26/3/33

25/3



This may perhaps be Submd to Dewan before issue.

5/4/33

3/4

Fin: Secy)

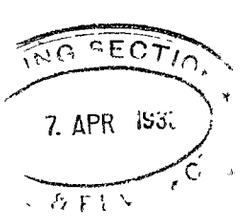
Dewan)

6/4/38

6/4

6-4-33

7/4



Encl No 1427 dy 11/4/1933 to Mr Peer Zada Syed Mahamed Vajeehuddin Sab Khulcari Manager Srazanna Ayurvedic Sabha Drugs Bangalore city declining the grant of his req est.

Memo No 1428 dy 4/4/1933 to Mr IV.

May Nos 21 of 32-33 11

General and Revenue Secretariat — May File No. 135 of 1931. — [App. F. III—2

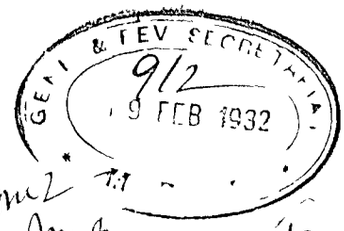
Serial No.	
B 1814	Rama Iyengar Advocate for the petitioner forwarding Copy of the above Endorsement —

NOTE—Contn. Sheet.

WD 0246 -GPB—15,000—22-8-32

File No. of 193 .

General and Revenue Secretariat



Mem. Received 8 of 31-32. 1/9/32 (12

8/10/2/32

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

I, [illegible] Shutt [illegible] of [illegible] Attalle Dharmada Darga and Trust Board, the head of the Dig[illegible] Kalbagh Bangalore City do hereby beg most respectfully to submit as follows -

1. One Chennarayappa, agriculturist wrongfully occupied Survey No.[illegible] situated in Mavalli village and appertaining to the Dig[illegible] Kalbagh and put forward a claim that he was a tenant on the strength of a patta which really did not belong to Survey No.42 of the Mavalli village. The learned Sub-Divisional Magistrate was misled by this patta into the belief that the said occupant was a tenant, and upheld his possession on the payment of rent to the Darga Institution. This led to mislead the higher Muzrai Courts in arriving at wrong conclusions prejudicial to the interests of the religious Institution which is under my management.

2. Finally against the order of the Muzrai Commissioner in Muzrai appeal No.[illegible] of 29 30 on the file of the Government of Mysore, I preferred a revision petition dated 4-12-31 praying that the order passed therein be revised in the ends of justice and in the interests of the religious Institution. Amongst other very strong legal grounds, I urged that the leasing of lands belonging to Muzrai Institutions for long periods was objectionable [illegible]

to such Institutions. In this connection I drew the attention of the Government to Government Order No.8756-80 dated 15-10-8 and 20-8-1931 which laid down that lands appertaining to Muzrai Institutions should not ordinarily be leased for more than five years.

3. It is thus prayed that the order of the Deputy Commissioner directing that the alleged tenant be allowed to remain in occupation thereof for 15 years in order he continued to pay the annual rent was clearly contrary to the rule laid down by the Government and highly prejudicial to the interests of the Dargah. The fixing of the annual rent at Rs. 12/- when there were others offering a yearly rent of Rs. 100/- was clearly detrimental to the interests of the biggest religious organisation in Bangalore City.

4. In spite of these grounds, I was informed by endorsement dated 23-12-1931/ 24-12-31 No.879 Muzrai 135-31-2 that my petition was rejected expartee as time barred. I respectfully submit that proceedings under the Muzrai Regulations are not governed by the law of limitation and it is always open to the Muzrai Courts and the Government at any time to do substantial justice in the event of a case being made out on merits in the case of religious institutions and endowments. Further in such circumstances it is a case of continued loss and injury to the Dargah and a fit case for exercising the revisional powers of the Government. The present expartee order refusing to evict the wrongful occupant on the ground of limitation is manifestly

manifestly opposed to all canons of law, equity and justice.

3. Therefore I respectfully pray that your Honour be pleased to send for the records and to revise the order by directing the removal of the wrongful occupant from the land and restoring it to the Dargah or directing the Lower Court to hear me on the merits and pass orders in accordance with law. For which gracious act of kindness and justice I shall ever pray for your Honour's longlife and continued prosperity.

ADVOCATE
for the Petitioner.

Dated 14th February 1932.,
Nakanekalan,
Lalbagh,
Bangalore City.

I beg to remain,
Most Honoured Sir,
Your most obedient Servant,

(Sd) S. M. Y. Shuttari
the Petitioner

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

(15

Dated, Bangalore, 23-12-1931.

No. H 879

Muz 135-31-2

From

Rajasevaparayana
B. SRINIVASA IYENGAR, Esq., B.A., B.L.,
Financial Secretary to the Government of His Highness the Maharaja of Mysore.

To

O.S.N. Sheriff, Esq., M.A., (Litt)LL.B.,
Advocate, No.149, Commercial Street,
C & M Station, Bangalore.

Sir,

I am directed to inform you that the petition dated 4th December 1931 presented on behalf of your client Hazrath S.M.V. Shuttari Saheb, Sajjada Nisheen, Attawalla Shah Saheb Dargа, Makan-e-kalan, near Lal Bagh, Bangalore City appealing against the orders of the Muzrai Commissioner in Muz. Appeal 41 of 29-30 on the file of this Court about the eviction of the tenants of S. No.41 of Mavalli -- village, Bangalore Taluk endowed to the Durga, is rejected as it is time-barred.

I have the honour to be,

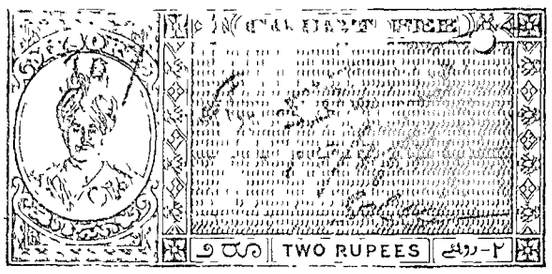
Sir,

Your most obedient servant,

V Subrahmanyasastri

for Financial Secretary to Government

BC



In the Court of the [illegible]

[illegible]

Miscellaneous No. **Suit No.** of 193- ,-193[illegible] .

Plaintiff/Appellant.		*Defendant/Respondent.*
Petitioner/Complainant.		*Counter Petitioner/Accused.*
.....		.....
S.L.V.Chettiar	*Vs.*	.....
.....		.....
.....		.....

I, the Petitioner ..... do hereby appoint and retain Mr. O. S. N. SHERIFF, M.A., (Litt) LL.B., Advocate to appear for me in the above suit / original / miscellaneous petition and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein. I empower my Advocate to appear in all miscellaneous proceedings in the above suit or matter till all decrees or orders are fully satisfied or adjusted and to obtain the return of documents and draw any money that might be payable to me in the said suit or matter.

The address for service of the said Advocate is No. 149, Commercial Street. C. & M. Station, Bangalore.

(Sd) S. [illegible] V. Chettiar

Personally known to me and signed in my presence.

Accepted.

O S N Sheriff

ADVOCATE,
Bangalore

Dated, 1-2- .....193[illegible]

O S N Sheriff

Municipal Councillor,
Bangalore-City
and
Advocate, Bangalore.

In the Court of the ...Second...Munsif...Court...OF

CIVIL ...AT BANGALORE.....

Misc. Suit No. of 1931 ,-1932..

~~Plaintiff~~/~~Appellant~~

S. N. V. Sattari. *Petitioner/~~Complainant~~*

Vs

~~Defendant~~/~~Respondent~~

Counter Petitioner/Accused

MEMO.

VAKALATANAMA.

Filed on...~~16...the...February~~ 193 2

For the Petitioner.

O. S. N. SHERIFF, M.A., (Litt) LL B.,
Municipal Councillor, Bangalore City,
and
Advocate Bangalore.

BEFORE THE BOARD OF MISC

Misc. No. of 1931-32.

S... V. Shutturi,
Manager of the Attibulle,
Shiva Durga, Kalbagh,
Bangalore City. Petitioner.

Memo.

1. Petition regarding removal of the wrongful occupant of the Schedul land.

2. Endorsement No.879 by Hun.Rao Bahadur dated 23-12-32, from the Financial Secretary to the H.H. the Maharaja of Mysore to O.S. Sheriff, Esq., M.A., (Litt.) LL.B., Advocate, Bangalore regarding rejection of the appeal as time-barred.

3. Vakalatnama.

Filed

Advocate for the Petitioner.

O.S.F.Sheriff, Esq., M.A., (Litt.) LL.B.

Advocate &

Municipal Councillor, Bangalore

18

App. F. G. 9]

GOVT. OF H. H. THE MAHARAJA
OF MYSORE.

GEN. & REV. SECRETARIAT.

1521 Recd on 22/4/32
Mis 135 - 31-4

OFFICIAL MEMORANDUM.

No.....
Mis. Rec. No 150 of 31-32

The accompanying Petition (Registered
No. 9.12.9 of 31-32 dated 19/4/32
~~received at the General and Revenue~~
~~Secretariat from~~ filed by Mr
O. S. N. Sheriff Advocate
No 149 Commercial
Street C+M. Station
Bangalore on behalf
of his client S. M. V. Shettar
Manager of the Attavara
Shah Durga Devi Lakkappa
Bangalore city ~~appellant~~
~~against the order of the M.C.~~
in the matter of evicting certain
tenants from lands owned by the said
~~the Shah Durga Devi Lakkappa~~ Durga-
is forwarded, together with its enclosures
to the M.C.
.....
.....
.....for Submission
of entire records connected
with the case -

By Order,
19/4/32
Secretary.

BANGALORE,
19.4.....19.32.

[P. T. O.

Copies

G.S
18/4

WD 02048 -GPB—3750—8-8-28

ಅರ್ಜಿದಾರ..... ....ತಿಳಿಸುವು

....ಹೋಬಳಿ

....ಗ್ರಾಮದಲ್ಲಿರುವ

....ಗೆ

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ವಿಷಯದಲ್ಲಿ ನೀವು ಗುಜರಾಯಿಸಿಕ್ಕೊಂಡ ....

ಮುಕ್ತುಮಿನ ಅರ್ಜಿಯನ್ನು..... ....ಬಗ್ಗೆ

....

.....ರವರ ಬಳಿಗೆ ಕಳುಹಿಸಿದೆ

ಬೆಂಗಳೂರು.

By Order,

Secretary.

M. C. 13]

No. 1313 Rev C 12'4
31-32

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE.

Dated, Bangalore, [illegible] *193*
19

REV. SEC.
FROM
12 AUG. 1932
233
MUZRAI

~~S. HIRIANNAIYA, ESQ., M.A., B.L.,~~
Muzrai Commissioner in Mysore. Mu/ 133 31 5

To

[illegible]

Secretary to the Government of His Highness
the Maharaja of Mysore.
[illegible] *Department.*

F
3 AUG
No.

SIR,

Mu/ 133 31 5

I [illegible] to [illegible] G.O.No.1733/[illegible].155-31-4 dated [illegible] April 1932 [illegible] Sri [illegible] Mysore [illegible] [illegible] V. Chatti, [illegible] existing certificate to [illegible] [illegible], I have to [illegible] [illegible] Bangalore [illegible] G.O.No.4348/1-33-4 dated 5 July 1932.

The [illegible] [illegible] [illegible]

I have the honour to be,

Sir,

Your most obedient servant,

[illegible]
Muzrai Commissioner.

(20

Appendix F G—1]

SUBJECT .....

.....

.....

Section mug

File No. 135 31

Serial No. 6.

Diary No. of letter replied to .....

No. 4684/mug

To

The M C

General and Revenue Secretariat

( )

the 193 .

Sir,

With reference to the correspondence ending with your letter No 1318/31-328 dated 19.8.32 forwarding records relating to an eviction of certain tenants from lands endowed to Attanalla Shah Dargah near Kalugala Ampalavanagi. I am directed to state that the subject is now among the records received with your letter under acknowledgement and to request you to be good enough to forward the same early.

I am Etc

Date of issue 16/9/32

Signed by .....

List of enclosures .....

Copied by .....

Examined by .....

WD 71—GBPM—40,000—20-7-31

for Secretary

M. C. 13]

No. 1313/31-32
Encl. 1 file

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,
Bangalore, 4th October 1932.

GENL. & REVENUE SECRETARIAT
416
OCT 1932

Mys 135-31-7

FROM

S. P. RAJAGOPALACHARI, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

To

S. Shamanna, Esquire., B.A.,
Secretary to Government of His Highness
the Maharaja of Mysore,
Financial *Department.*

SIR,

With reference to your letter No.461/Fin. dated 16th September 1932, I have the honor to forward herewith this office File No.App.41/2330 relating to the eviction of certain trespassers from lands belonged to the Attaulla Shah Dargah near Lalbagh Bangalore City.

I have the honor to be,

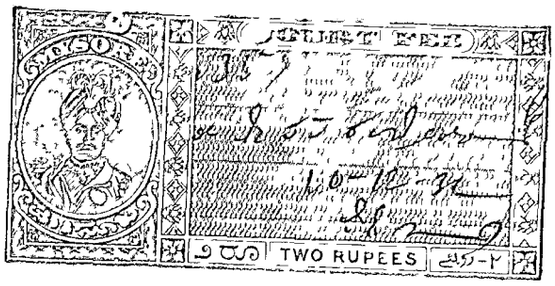
Sir,

Your most obedient servant,

For Muzrai Commissioner.
(absent from Hqrs &c.)

22

Affg
Dis) 20-32



Before the Court of H.H. the Maharaja of Mysore, Bangalore ಕೋರ್ಟಿಗೆ.

192—192 ನೇ Mugrasabhal no 15/31-32

ವಾದಿ-ಯಾ ಅರ್ಜಿದಾರ್.		ಪ್ರತಿವಾದಿ ಯಾ ಆಪ್ಪೋನೆಂಟ್.
Abdulla Sha Dargha	V.S.	1) Chennaraya Setty

ಮಾ|| ರಾ|| S. K. Venkatarama Iyer ...ಗೆ.

First Respondent ಬರಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ನರವಾಗಿ ಒತ್ತೆರುನವರಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ಏನಾದ ಜರುಗಿಸುವುದಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ, ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ನನಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಪೂಜಲಗು, ಸಿಲ್ಕು ಪೊಜಲಗು, ರಾಘವಾದು, ಸ್ಟ್ಯಾಂಪು ಪೊಜಲಗು ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡಿಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ನಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೊಸ್ಕರ ಮತ್ತಾವ ಲಾಯರ್ರಾಗಲಿ ಡಿಪೋ ಪೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿನುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇರ್ತೇನೆ.

ತಾರೀಖು 10/12/32 | ರುಜು [signature]

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯ ಸ್ವರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

[signature]

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದೇನೆ.

S. K. Venkatarama Iyer

ಶ್ರೀ ವೆಂಕಟೇಶ ಪ್ರೆಸ್, ಬೆಂಗಳೂರು ಸಿಟಿ.

G.R.S. III—3]

(23

Mg Dno 720.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record]

The case was heard on 10th Dec-1932
the advocate for the Respondent
Chamnanagubha did not
file the vakalat but on Tuesday
the case being heard & said
that he would submit the
same shortly. The P.W.D
is the one received from
him today—

The Stamp used
by the Ad[illegible] for the vakalat
bears neither
his name nor that of
his client in the case.
It is for which he may
be asked to file a
fresh vakalat with proper
Stamp—
G.R. No
13/12

Sept.
Please speak
home
E.
14/12

The vakalat may be
accepted
if [illegible]
the fees

N.B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record]

N.B —Should routine notes be written on small slips the notes must be copied, or slips pasted on this form

(G)

24

Before the Government of His Highness the Maharaja of Mysore.

Court of Revision Appeal No 15 of 1931-32

Appellant	Vs	Respondent
D.V.C. Chetcorp, Manager of Honorary Administration Shah Durga and Confederation [illegible] Hebbal near Bangalore City.		Channarayappa Hoodidevana near Hebbal Bangalore City.

Subject.

Appeal against the decision of the Court of Revision recording the cancellation of the tenants of 30.01 of Hebbal village belonging to Honorary Administration Shah Durga, near Hebbal, Bangalore City

---

The case was called on 10th December 1932. The appellant Mr. D.V.C. Chetty Manager and the respondent with his lawyer Mr. G.V. Venkatarangiah Avargal were present and were heard fully.

Order.

The Court Commissioner's order is quite reasonable. Government see no reason to interfere.

Read No.

9.16/Mug 135-31-8 Dated, Bangalore the 9th January 1933.

Copy of the above is forwarded with correspondence to the Court Commissioner for Appeals, for information, returning records received with his letters No.1313/31-32 dated 19th August 1932 and 5th October 1932.

By order,

Assistant Secretary to Govt.

GPB—1,000—8

47

(G) 25

Before the Government of His Highness the Maharaja of Mysore.

Mu 3 Review ~~Appeal~~ No. 15 of 1931-32

Appellant. *Vs.* Respondent

S. M. V. Shuttari
Manager of Hazarath
Atta-ullah Shah Dargah
and Sajjada-Nishin of the big
Malkhan near Lalbagh Bangalore City.

Chamanaryabha
residing near Lalbagh
Bangalore City.

Subject.

Appeal against the decision of the M.C.
Re: The eviction of the lessees of S. No 410 of
Marulle village belonging to Hazarath
Attaullah Shah Dargah near Lalbagh Bangalore.

The case was called on 10th Decr. 1932. The appellant with his Advocate Mr O.S.N. Shariff & the respondent with his lawyer Mr V. K. Venkatarangaiya Iyengar were present and were heard finally.

The Muzrai Commr's order is quite equitable. The decision of the M.C. is quite equitable & there is no reason to interfere with it.

997/Mog 4 10/1/33. Copy to Mr O.S.N. Shariff Advocate No 149. Cantonment

GPB—1,000—S.S-11

Shri C.H. - Station Bangalore - Advocate for the applicant

B.O

KP

For Secy

Home Dept

No. 958, Mcj 135-31- 9 10/1/33.

Copy to Mr. S.N. Venkataramaya Iyer, Chicago Bangalore City Advocate for the Govt.

KP

For Secy

No. 986/Mcj 135-31-8 Enc 2 files. Home Dept

Copy to M.C. returning office records received with his letter no 1313/31-32 dt 19-8-32 dt 5.10.32

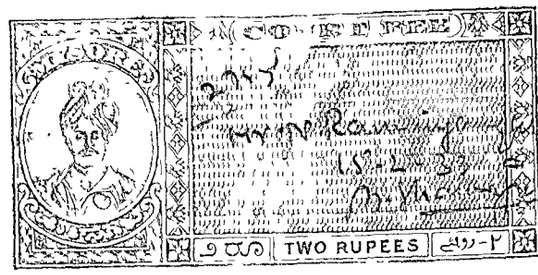
B-O

KP

For Secy

Home Dept

1-S



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15.2.33
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BEFORE THE DEWAN SAHIB OF MYSORE, BANGALORE.

Muzrai Miscellaneous Review Petition

No. 21 of 1932-1933.

PETITIONER:

Peer Zada Syed Mohammad Vajeehuddin Sahib Shuttari, Manager and acting Sajjada of the Makkan Hazarath - Attaullah Shah Saheb Darga, Lalbagh Road, Bangalore City.

OPPONENT:

Chennarayappa, Lalbagh Road, Bangalore City.

The petitioner abovenamed most respectfully begs that the order passed in Muzrai Review Petition No. 16 of 1932-33 before the Government of Mysore be kindly reviewed for the following reasons among others:-

1. The petitioner submits that the order passed in the above case has not taken into consideration the following:-

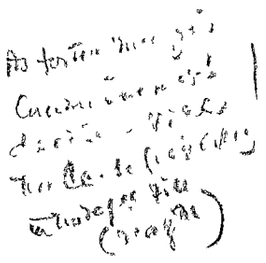
REV. SECRETARIAT. 892 20. FEB. 1933 MUZRAI.

(a) That the petitioner who is the Sajjadanashin as well as the Manager of the Makkan properties is also the Mutuvalli, the two offices being combined in one;

(b) That the land S.No.41 alleged to be in possession of the ryot Channarayanna, is Wakf property, endowed to the Hazarat Attaullah Shah Darga, and Makkan by Commander Hyder Ali and permanently granted as Inam by the then Highness the Maharaja of Mysore to the said Darga and Makkan;

(c) That the petitioner and Manager of the Darga, who are the Religious Teachers have been administering the Wakf estate as per the rules laid down by Mohammadan Law;

(d) That accordingly the previous Sajjada Nishins have never granted the present ryot Channarayappa or his ancestors S.No.41 bevond an agricultural year, and the claim put forward by him, and in a way countenanced by the Muzrai authorities, (in directing the Deputy Commissioner,Bangalore District to grant a long period lease on suitable rent) is and contrary to Mohammadan law which governs the petitioner;



(e) The order in question passed by the Government would not have been what it is if the observations of the late Right Honourable Sir Syed Ameer Ali, based on the ancient unquestionable authority of Mohammadan Law Books as Radd-ul-Muhtar, Fatawa Kazi Khan, Fatawa Kari-ul-Hedaya had been followed and which are distinctly against the recognition of tenancies for a long period, as"a long lease is apt to give rise to the idea that the lessee is the owner". The portions of the law to be applied is clear on page 477 of

of Vol. 1 in Ami Ali's Mohammadan Law IV Edition dealing with the leases of Wakf Propery:

(f) The petitioner most respectfully submits for the kind consideration that the Notification of the Chief Commissioner in Mysore, Notification No.266 dated 17-11-1877 Order No.517-25 Muz. 115-16-8 dated 29-8-1917, G.O.No.3700-1-Muz — 9 Aug T. 553-20-5 dated 17-1-1922 and the Government Proceedings No.2469-73-L.R.518-06-4 dated 5-11-22 are all in accordance with Mohamman law applicable to the case in point in deciding the present contention. Any order directed to be passed, however seemingly equitable, otherwise is opoosed to Mohammadan Law by which the Sajjada Nashin andhis acts are governed, and this view is referred to in Amir Ali's Mohammadan Law Vol.1, IV Edition paged 1 to 4 and the said view is judicially recognised by the Judicial Committee of the Privy Council in 11 Moores Indian Appeals at page 551 where Their Lordships state "that in suits regarding marriage and caste and all religious usuages and institutions Mohammadan law with respect to Mohammadans and the Hindu Law with regard to Hindus are to be considered as general rules by which the Judges are to give their decisions, and they can conceive nothing more likely to give just alarm to the - Mohammadan Community than to learn by a judicial decision that their law, the application of which

has been justly secured to them is to be overridden upon a question which so materially concerns their domestic relation" while " dealing with certain remarks of the Judges of Sudder - Court of Calcutta refusing to follow the Mohammadan law in that case."

(g) The petitioner most respectfully submits that application of general principles as laid down by the Muzrai regulation without reference to the personal law governing the parties and without modifications as per the injunctions laid thereunder have unduly worked a grave hardship in the management and administration of properties belonging to the Premire Religious Instution belonging to the Mohammadan Community and recognised as such by a long line of Beneficient Sovereigns of our State;

(h) The decision passed by the Muzrai Commissioner and concurred in by the Government does not take into account the view of the Sajjada Nashin and practically the nature of the Inam is crippled by the restriction imposed by the Government,which is again opposed to the very rudimentary idea of Wakf according to Mohammadan Law;

(i) In any event the order passed by the Government tends more to lower the position of the Makkan and its administration and to give rise to unnecessary friction, trouble and litigation unprofitable to parties;

(j) If the interest however of the Makkan is considered, then the land S.No.41 cannot now be so profitably used by leasing it for agricultural purposes and the same can, now to the great advantage to the Makkan be converted into building sites and buildings constructed thereon yield larger profits;

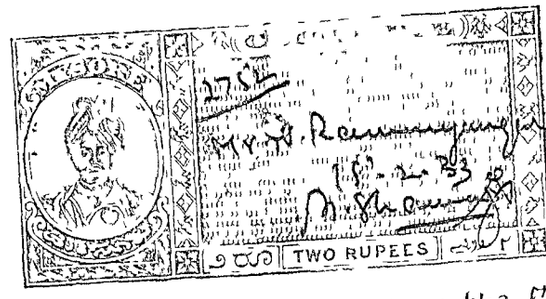
3. The Government have erred in deciding disputes about the portion of the land not referred to for decision by the petitioner.

4. The order of the Government is opposed to equity and Mohammadan Law.

W H E R E F O R E the petitioner most respectfully prays that the order be kindly revised in the light of the above authorities and the property restored to Makkan as per the intention of the original Donor.

Bangalore
2-1933.

Sajjada Nishin.



32-

Before the Government of His Highness
the Maharaja of Mysore ಕೋರ್ಟಿಗೆ.

ನಂ. Mysore Mis Petition 1932 - 1933

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್. ಪ್ರತಿವಾದಿ ಯಾ ಅಪೋನೆಂಟ್.

Peerzada Syed Mahomed Vajeeh uddin Shutt Saheb **Vs.** Chamaraja

M. Rama Iyengar BA BL
Advocate

ಮ|| ರಾ||..... ..... ಗೆ

ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

ಮೇಲ್ಕಂಡ ನಂಬರ್ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ವಿವಾದಿಸಿ ಫೈಸಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಯೂ, ಈ ಮೊಕದ್ದಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಶಿಷ್ಟ ನಡವಳಿಕೆಗಳ ವಿಷಯದಲ್ಲೂ ಅರ್ಜಿ ವಗೈರೆ ಕೊಡುವುದಕ್ಕೂ, ಕೋರ್ಟ್‌ನಿಂದ ನನಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡೆದುಕೊಂಡು ರಶೀತಿ ಕೊಡುವುದಕ್ಕೂ, ಕೋರ್ಟ್‌ನಿಂದ ನನಗಾಗಿ ವಾಪಸು ಆಗುವ ದಾವಾಸ್ಟ್ಯಾಂಪು, ಪ್ರೊಸೆಸ್ ಸ್ಟ್ಯಾಂಪು ಮತ್ತು ಇತರೆ ಸ್ಟ್ಯಾಂಪು ಸಹ ಪಡೆದುಕೊಳ್ಳುವುದಕ್ಕೂ ಮತ್ತು ನನ್ನ ಬಾಬ್ತು ವಿಶಿಷ್ಟ ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ಕೋರ್ಟ್‌ನಿಂದ ವಾಪಸು ತೆಗೆದು ಕೊಳ್ಳುವುದಕ್ಕೂ ಸಹ ಈ ಮೂಲಕ ತಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿರುತ್ತೇನೆ. ಈ ವಿಷಯದಲ್ಲಿ ತಾವು ಅಥವಾ ತಮ ಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ನಡೆಸುವ ಕೆಲಸಗಳನ್ನೆಲ್ಲಾ ನಾನು ಖುದ್ದು ಇದ್ದು ನಡೆಸಿರುವಂತೆ ಒಪ್ಪಲು ಇದರಿಂದ ಬದ್ಧನಾಗಿ ಇದೇನೆ.

ತಾ||.....15/2/1933..... } ರುಜು

ಈ ಮೊಕ್ತ್ಯಾರ್ ನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ಥರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುವರೆಂದು ನಾನು ಸರ್ಟಿಫೈ ಮಾಡಿರುತ್ತೇನೆ.

ಈ ಮೊಕ್ತ್ಯಾರ್‌ನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದೇನೆ.

M. Rama Iyengar

ಬೆಂಗಳೂರು ಸಿಟಿ ಚಿಕ್ಕವೇಟೆ ವಿದ್ಯಾವಿಲಾಸ ಬುಕ್ಕಡಿಪೋಯನರಲ್ಲಿ ಮಾರಲ್ಪಡುತ್ತೆ.
೭೨೪-೩೨ ಮಕ್ಕಳ ಪುಸ್ತಕ ಪ್ರೆಸ್, ಬೆಂಸಿಟಿ.

8th April 1933

1427
Muz 135-31-16

To

Mr.Peer Zada Syed Mahomed Vajeehuddin Sahib
Shuttari, Manager, Hazarath Attaulla
Shah Sahob Darga, Lalbagh Road,
Bangalore City.

With reference to petition dated 15th February 1933 filed by him in the matter of the eviction of one Chemarayappa a tenant of Survey No.41 of Mavalli, Bangalore City endowed to Hazarath Attulla Shah Darga, Mr.Peer Zada Syed Mahomed Vajeehuddin Sahib Shuttari is informed that there are no reasons to reconsider the orders already passed in Muzrai Review 15 of 1931-32 and communicated with this office Memo No.997/Muz. 135-31 dated 10th ~~March~~ January 1933 to Mr.O.S.N.Sheriff, the then advocate for the petitioner.

By order,

Sd.S.Shamanna
Financial Secretary to Govt

mk.3

p.t.o.

Memo No. 1428/Mis Dated, Bangalore, the 6th April 1911

Copy of the above is forwarded to Mr. N. Rama Iye Advocate for the petitioner.

By order,

For Financial Secretary to Government

98

Appendix F G—1]

SUBJECT .....

.....

.....

Section Revenue

File No. 35-31.

Serial No. 10

Diary No. of letter replied to .....

No. 1427

To

Mr. Peer Lada Syed Mahomad
Vajeehuddin Sahib
Shettar Manager
Hazarath Tipu Sultan Shah
Dargah Lalbagh Road
Bangalore city.

General and Revenue Secretariat

( )

the *193* .

Date of issue 1-7-33

By B. Meerakrishnappa.

With reference to ~~his~~ petition by him
dated 15/2/33 filed ~~as above~~
in the matter of the eviction of ~~the~~
~~one Chamarajappa~~ one Chamarajappa
from a tenement of S. No 41
of Mavalli Bangalore
City endowed to Hazarath
Tipu Sultan Dargah
to Peer Lada Syed Mahomad
Vajeehuddin Sahib Shettar

List of enclosures.....

Copied by.....

Examined by.....

WD 0253—GPB—15,000—26-8-32

is informed that the
Reasons to Reconsider orders
already issued in the matter.
Mus Rent 15 R 1931 32.
Minister's
Note No 997/Mus 135-31 dt
10.1.33 and Communicated to
Mr O. S. N. Sheriff, the Hon
Advocate Petitioner).

B-O

574

1428/ f. 11-4-33.
Copy to Mr. W. O. Supreme
Advocate Respondent Petitioner
Petitioner - -

B-O

574
-for file

Gr
3018

36 pages